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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,654	11/18/2003	Koji Takekoshi	03500.017720.	2523
5514	7590	12/14/2007	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			CHU, RANDOLPH I	
		ART UNIT	PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/714,654	TAKEKOSHI ET AL.
	Examiner	Art Unit
	Randolph Chu	2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 October 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3, 5, 6, 9-12, 15 and 18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3, 5-6, 9-12, 15 and 18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### **Response to Amendment**

In response to applicant's amendment received on 10/9/2007, all requested changes to the claims have been entered.

### **Response to Argument**

1. Applicant's arguments filed on 10/9/2007 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 18 recites the limitation "said control step" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 9 and 10 are rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Kurosawa et al. (US 6,822,676).

With respect to claim 1, Toshimitsu et al. teaches, a monitor for displaying a medical image (Fig 2, ref. label 26); an input device for inputting an image reading report corresponding to the medical image displayed on the monitor (Fig 2, ref. label 32);

Toshimitsu et al. does not teach a processor configured to process a control of judging presence or absence of the image reading report corresponding to the medical image displayed on said monitor and restricting a change of displaying the medical image, in case the image reading report is judged absent.

Kurosawa et al. teaches a control of judging presence or absence of the image reading report corresponding to the medical image displayed on said monitor and restricting a change of displaying the medical image, in case the image reading report is judged absent (Fig. 16 ref label s205a).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to restricting change of image when report of image is not done in the system of Toshimitsu et al.

The suggestion/motivation for doing so would have been that to make sure images are processed by restricting change of image until completion of image process operation.

Therefore, it would have been obvious to combine Kurosawa et al. with Toshimitsu et al. to obtain the invention as specified in claim 1.

With respect to claim 2, Kurosawa et al. teaches judges presence or absence of the image reading report corresponding to the medical image displayed on the monitor when the medical image displayed on the monitor is changed (Fig. 16 ref label s205a).

With respect to claim 9, please refer to rejection for claim 1.

With respect to claim 10, please refer to rejection for claim 2.

3. Claims 3 and 12 are rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Kurosawa et al. (US 6,822,676) and further view of Thirsk (US 2002/0099569).

With respect to claim 3, With respect to claim 5, Kurosawa et al. and Toshimitsu et al. teach all the limitations of claim 1 as applied above from which claim 3 respectively depend.

Toshimitsu et al. and Kurosawa et al. does not teach processor requests the input of an image reading report, in case the image reading report is judged absent by judging means.

Thirsk teaches requesting review of an image reading report, in case the image reading report need by certain condition. [0034].

At the time of the invention it would have been obvious to a person of ordinary skill in the art to request review of an image reading report, in case the image reading report need by certain condition in the system of Toshimitsu et al. and Kurosawa et al.

The suggestion/motivation for doing so would have been that to make sure all images are completely diagnosed by request image reading report.

Therefore, it would have been obvious to combine Thirsk with Toshimitsu et al. and Kurosawa et al. to obtain the invention as specified in claim 3.

With respect to claim 12, please refer to rejection for claim 3.

4. Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569), Kurosawa et al. (US 6,822,676) and Thirsk (US 2002/0099569) in further view of Taniguchi et al. (2003/0055317).

With respect to claim 5, Thirsk, Kurosawa et al. and Toshimitsu et al. teach all the limitations of claim 3 as applied above from which claim 5 respectively depend.

Thirsk, Kurosawa et al. and Toshimitsu et al. does not teach expressly that measures a time elapsing from the display of the medical image on the monitor and judges presence or absence of an image reading report corresponding to the displayed medical image when the measured time exceeds a predetermined time.

Taniguchi et al. teaches determining condition of displayed image based one time elapse and predetermined time (para. [0707]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to determining condition of displayed image based one time elapse and predetermined time in the system of Thirsk, Kurosawa et al. and Toshimitsu et al.

The suggestion/motivation for doing so would have been that predetermined time can be set so that system can take next action.

Therefore, it would have been obvious to combine Taniguchi et al. with Thirsk, Kurosawa et al. and Toshimitsu et al. to obtain the invention as specified in claim 5.

5. Claims 6 and 15 are rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Kurosawa et al. (US 6,822,676) and Jajubowski et al. (US 2004/0062421).

With respect to claim 6, Toshimitsu et al. teaches, a monitor for displaying a medical image (Fig 2, ref. label 26);

an input device for inputting an image reading report corresponding to the medical image displayed on the monitor (Fig 2, ref. label 32);

Toshimitsu et al. does not teach a processor configured to process a control of judging presence or absence of the image reading report corresponding to the displayed image and inputting an image reading report which is set to no observation, in case a predetermined time is elapse

Kurosawa et al. teach a processor configured to process a control of judging presence or absence of the image reading report corresponding to the displayed image and

Jajubowski et al. teach generating an report which is set a warning flag, in case a predetermined time is elapse.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to generate image reading report, in case a predetermined time is elapse in the system of Toshimitsu et al.

The suggestion/motivation for doing so would have been that to generate default report when unexpectedly long time elapses which means no report from user.

Therefore, it would have been obvious to combine Kurosawa et al. and Jajubowski et al. with Toshimitsu et al. to obtain the invention as specified in claim 6.

With respect to claim 15, please refer to rejection for claim 6.

With respect to claim 18, Toshimitsu et al. teaches the image reading report automatically inputted by the control step includes a name of the reading doctor (col. 5 line 59).

6. Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Kurosawa et al. (US 6,822,676) in further view of Taniguchi et al. (2003/0055317).

Thirsk and Kurosawa et al. teach all the limitations of claim 3 as applied above from which claim 9 respectively depend.

Thirsk and Kurosawa et al. does not teach expressly that measures a time elapsing from the display of the medical image on the monitor and judges presence or absence of an image reading report corresponding to the displayed medical image when the measured time exceeds a predetermined time.

Taniguchi et al. teaches determining condition of displayed image based one time elapse and predetermined time (para. [0707]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to determining condition of displayed image based one time elapse and predetermined time in the system of Thirsk and Kurosawa et al.

The suggestion/motivation for doing so would have been that predetermined time can be set so that system can take next action.

Therefore, it would have been obvious to combine Taniguchi et al. with Thirsk and Kurosawa et al. to obtain the invention as specified in claim 11.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randolph Chu whose telephone number is 571-270-1145. The examiner can normally be reached on Monday to Thursday from 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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